

02/05/04 15:47 FAX

KS ATLANTA

001

**KILPATRICK
STOCKTON LLP**
Attorneys at Law

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

February 5, 2004

direct dial 404 745 2470
JMcDonald@KilpatrickStockton.com

FAX

**RECEIVED
CENTRAL FAX CENTER**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY	FEB 05 2004
Examiner Nguyen 703.305.4508	1.703.872.9306	USPTO - GAU 1641 Arlington, VA	OFFICIAL

John K. McDonald, Ph.D.

FROM

3

PAGES (WITH COVER)

2720

REFERENCE NO

48498/261640

CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

CONFIDENTIALITY NOTE:

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

COMMENTS

The facsimile confirmation of the Patent Office imprinted hereon will acknowledge receipt of:

Applicant:

Becler et al.

Title:

Method of Detecting Analytes in a Sample and Support for
this Purpose

Serial No./Docket No.:

09/890,665

48498-0120 (261640)

Filing Date

September 25, 2001

PAPERS SUBMITTED:

1. Communication to the Examiner

Date: February 5, 2004

By: John K. McDonald, Ph.D.

Reg. No. 42,860

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME:

COMPLETED BY:

JOB CODE

90706

ALBUQUERQUE BIRMINGHAM CHARLOTTE DALLAS DENVER LOS ANGELES MIAMI NEW YORK PHOENIX RICHMOND SAN FRANCISCO SEATTLE TAMPA WASHINGTON WINSTON-SALEM

RECEIVED
CENTRAL FAX CENTER

FEB 05 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Becker et al.**)
Serial No.: **09/890,665**) Art Unit: **1641**
Filed: **September 25, 2001**) Examiner: **Nguyen, B. T.**
For: **METHOD OF DETECTING ANALYTES**)
IN A SAMPLE AND SUPPORT FOR THIS)
PURPOSE)

COMMUNICATION TO THE EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

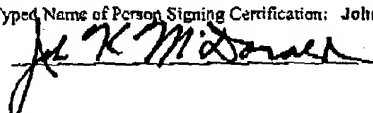
Sir:

Further to our conversation on January 12, 2004 with the Legal Instruments Examiner at phone number (703) 308-0377 regarding the referenced patent application, we have not received the paper that was to inform us to disregard the Notice of Non-Compliant Amendment which was mailed on January 5, 2004. The Legal Instruments Examiner indicated to us that the Notice of Non-Compliant Amendment was sent in error. Since we have not received the Communication to ignore the Notice mailed January 5, 2004, we are using this opportunity to state that the Response to the Restriction Requirement filed December 8, 2003 was appropriate and responsive to the Office Action of October 6, 2003.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9306) on the date shown below.

Typed Name of Person Signing Certification: John K. McDonald, Ph.D. Reg. No. 42,860



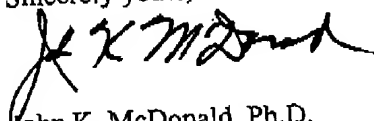
February 5, 2004

ATLL1902 150413 1

Communication to the Examiner
U.S. Serial No. 09/890,665
Attorney Docket No. 48498-0120 (261640)
Page 2 of 2

Please do not hesitate to call if we may provide clarification concerning
this matter.

Sincerely yours,



John K. McDonald, Ph.D.
Reg. No. 42,860

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309-4530
404/815-6500
Attorney Docket No.: 48498-0120 (261640)